



03CO #9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yan, et al.

Art Unit: To Be Assigned

Serial No.: 10/032495

Examiner: To Be Assigned

Filed: January 02, 2002

Atty. Docket: 0249-0002US

For: A Method For Producing A Population of
Homozygous Stem Cells Having A Pre-
Selected Immunotype and/or Genotype,
Cells Suitable For Transplant Derived
Therefrom and Materials And Methods
Using Same

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the

examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our check no. ____ in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure

Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).


It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622.

Respectfully submitted,

SHANKS & HERBERT

By:


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Reg. No. 44,628

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6/11/02

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FORM PTO 1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0249-0002	APPLICATION NO. 10/032495
	APPLICANT(S) W. Yan	
	FILING DATE 01/02/02	GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	5,503,980	4/2/96	Cantor, C.			
	5,683,880	11/4/97	Kamb, A.			
	5,683,881	11/4/97	Skiena, S.			
	5,750,345	5/12/98	Bowie, L.			
	5,843,780	12/1/98	Thomson, J.A.			
	5,905,042	5/18/99	Stice, S. et al.			
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	6,025,136	2/15/00	Drmanac, R.			
	6,100,030	8/8/00	Feazel, R. et al			
	6,141,657	10/31/00	Rothberg, J. et al			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	✓ WO 90/03432	4/5/90				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 94/24274	10/27/94				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 94/26884	11/24/94				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 94/26889	11/24/94				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 98/07841	02/26/98				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 01/29206	4/26/01				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 01/30978	05/03/01				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 01/79445	10/25/01				<input type="checkbox"/> Yes <input type="checkbox"/> No
	✓ WO 01/84920	11/15/01				<input type="checkbox"/> Yes <input type="checkbox"/> No

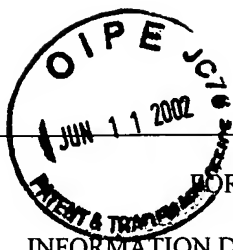
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

✓	Allen, N. D., et al., "A functional analysis of imprinting in parthenogenetic embryonic stem cells", <i>Development</i> , 120: 1473-82 (1994)
✓	Andrews, P. W., "Teratocarcinomas and human embryology: Pluripotent human EC cell lines", <i>APMIS</i> 106: 158-68 (1998)
✓	Asakura, S. and Abe, S., "Synacrosomal Formation after Cell Fusion of Round Spermatids of <i>Xenopus laevis</i> ", <i>Experimental Cell Research</i> 181: 566-73 (1989)
✓	Assady, S., et al. "Insulin Production by Human Embryonic Stem Cells", <i>Diabetes</i> 50: 1691-97 (2001)

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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			Bains, W., et al., "A Novel Method For Nucleic Acid Sequence Determination", J. Theoret. Biol., 135: 303-307 1988
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			Collas, P. and Barnes, F. L., "Nuclear Transplantation by Microinjection of Inner Cell Mass and Granulosa Cell Nuclei", <i>Molecular Reproduction and Development</i> 38: 264-67 (1994)
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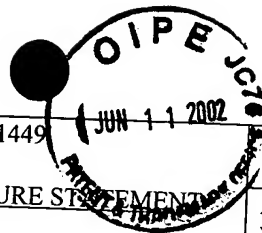
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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		✓	Fischer et al., "DNA fragments differing by single base-pair substitutions are separated in denaturing gradient gels: Coorespondence with melting theory," <i>Proc. Natl. Acad. Sci. USA</i> 80:1579-1583, 1983
		✓	Gardner, D. K., and Schoolcraft, W. B., "Culture and Transfer of Human Blastocysts", <i>Current Opinions in Obstetrics and Gynecology</i> 11:307-11 (1999)

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						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

		✓	Hole, N., "Embryonic Stem Cell-Derived Haematopoiesis", <i>Cells Tissues Organs</i> 165: 181-89 (1999)
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		✓	Jacobson, L., et al., "Differentiation of Endoderm Derivatives, Pancreas and Intestine, From Rhesus Embryonic Stem Cells", <i>Transplantation Proceedings</i> 33:674 (2001)
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		✓	Jones, H. W., et al., "A technique for the aspiration of oocytes from human ovarian follicles", <i>Fertility and Sterility</i> 37(1):26-29 (1982)
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		✓	Kaiser-McCaw, B., et al., "Ovarian teratomas: cytologic data", <i>Cytogenet Cell Genet</i> 16: 391-95 (1976)
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						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

		✓	Keil, F., et al., "Effect of interleukin-3, stem cell factor and granulocyte-macrophage colony-stimulating factor on committed stem cells, long-term culture initiating cells and bone marrow stroma in a one-step long-term bone marrow culture", <i>Ann Hematol</i> 79(5): 243-48 (2000)
		✓	Keller, G., et al., "Hematopoietic Commitment during Embryonic Stem Cell Differentiation in Culture", <i>Molecular and Cellular Biology</i> 13: 473-86 (1993)
		✓	Kim, H., et al., "The Expression of Peroxisome Proliferator-Activated Receptor γ in Pig Fetal Tissue and Primary Stromal-Vascular Cultures", <i>Obes Res</i> 8(1): 83-88 (2000)
		✓	Lanza, R.P., et al., "Encapsulated cell technology", <i>Nature Biotechnology</i> 14(9): 1107-11 (1996)
		✓	Lee, S., et al., "Efficient generation of midbrain and hindbrain neurons from mouse embryonic stem cells", <i>Nature Biotechnology</i> 18: 675-78 (2000)
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		✓	Linder, D. and Power, J., "Further evidence for post-meiotic origin of teratomas in the human female", <i>Ann. Hum. Genet.</i> 34: 21-30 (1970)
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		✓	Lisek E.W. and Levine, L. A., et al., "Percutaneous Technique for Aspiration of Sperm from the Epididymis and Testicle", <i>Techniques in Urology</i> 3(2): 81-85 (1997)
		✓	Liu, S., et al., "Embryonic stem cells differentiate into oligodendrocytes and myelinate in culture and after spinal cord transplantation", <i>PNAS</i> 97(11): 6126-31 (2000)
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		✓	Lumelsky, N. et al., "Differentiation of Embryonic Stem Cells to Insulin-Secreting Structures Similar to Pancreatic Islets", <i>Science</i> 292: 1389-94 (2001)
		✓	Mann, J.R., "Properties of androgenetic and parthenogenetic mouse embryonic stem cell lines; are genetic imprints conserved", <i>Developmental Biology</i> 3: 77-85 (1992)
		✓	Martin et al., "Characterization of 12 microsatellite loci of the human MHC in a panel of reference cell lines", <i>Immunogenetics</i> 47:131-138, (1998)

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		✓ §2	Mathews, J.A., et al., "Analytical Strategies for the Use of DNA Probes", <i>Anal. Biochem.</i> , 169, 1-25, 1988
		✓	Maxam et. al., "A New Method for Sequencing DNA", <i>Proc. Natl. Acad. Sci. USA</i> 74:560-564, 1977
		✓	McDonald, J.W., et al., "Transplanted embryonic stem cells survive, differentiate and promote recovery in injured rat spinal cord", <i>Nature Medicine</i> 5: 1410-12 (1999)
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